

Document 76 - 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

In the Matter of) CV. NO. 03-00672 SOM-BMK
The Complaint of MORNING STAR)
CRUISES, INC., a Hawaii corporation.)
SHIROH FUKUOKA, Individually and) CV. NO. 04-00588 SOM-BMK
as Personal Representative of THE)
ESTATE OF MITSUKO FUKUOKA,) [CONSOLIDATED]
and as Next Friend of MIHO)
FUKUOKA, a Minor,) NOTICE TO CLAIMANTS
Plaintiffs,)
vs.)
MORNING STAR CRUISES, INC., a)
Hawaii corporation; JOHN DOES 1-)
10, JANE DOES 1-10, DOE)
CORPORATIONS 1-10, DOE)
PARTNERSHIPS 1-10, DOE JOINT)
VENTURERS 1-10, DOE LIMITED)
LIABILITY ENTITES 1-10, DOE)
NON-PROFIT ENTITES, 1-10, DOE)
GOVERNMENTAL ENTITIES 1-10,)
DOE UNINCORPORATED)
ENTITIES 1-10, and OTHER DOE)
ENTITES 1-10,)
Defendants.)

NOTICE TO CLAIMANTS

On December 8, 2003, Limitation Plaintiff Morning Star Cruises, Inc., the owner of that certain 24 foot steel raft / barge, registration number HA 1367CP (hereinafter referred to as the "Vessel"), filed a Complaint pursuant to the Limitation of Liability Act, 46 U.S.C. §§ 183 et seq., and the Federal Rules of Civil Procedure 9 (h) and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims. A First Amended Complaint was filed December 18, 2003. The Complaint seeks exoneration from or limitation of liability for any loss, damage, injury, or demand occasioned or incurred by, or in any way consequent to, an incident involving the Vessel that occurred on or about August 14, 2002, upon the navigable waters of the United States, Kaneohe Bay, State of Hawaii.

On May 7, 2004, pursuant to Rule F(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims, a Notice of Deposit of Funds with the Court, the sum of four thousand and no/100 dollars (\$4,000.00), representing the value of the Vessel and Yanmar Dive Compressor Model #L190 AE DE attached to the Vessel was filed May 7, 2004.

Pursuant to an Order dated July 24th, 2006, all persons claiming damages for any loss, damage or injury incurred by reason of the incident on August 14, 2002 are cited to file their respective claims with the Clerk of this Court and to serve on or mail to Morning Star Cruises, Inc.'s counsel, CHEE &

MARKHAM, 1001 Bishop Street, 1000 American Savings Bank Tower, Honolulu, Hawaii 96813, a copy thereof on or before September 1, 2006. Any claimant desiring to contest Morning Star Cruises, Inc.'s right to exoneration from or limitation of liability shall file and serve on or mail to counsel for Morning Star Cruises, Inc. an answer to the Complaint.

DATED: Honolulu, Hawaii, JUL 22 2006.

Sue Beitia,
Clerk of the Court,
United States District Court,
District of Hawaii

By: Sue Beitia
Deputy Clerk,
United States District Court,
District of Hawaii